

AMENDED IN SENATE JULY 1, 2008

AMENDED IN ASSEMBLY APRIL 7, 2008

AMENDED IN ASSEMBLY MARCH 3, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1954**

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**Introduced by Assembly Member Jeffries**  
**(Coauthor: Assembly Member Benoit)**  
*(Coauthors: Senators Battin and Hollingsworth)*

February 13, 2008

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*An act to add Section 149.8 to the Streets and Highways Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1954, as amended, Jeffries. High-occupancy toll (HOT) lanes.

Existing law authorizes a regional transportation agency, in cooperation with the Department of Transportation, to apply to the California Transportation Commission to develop and operate high-occupancy toll (HOT) lanes, including administration and operation of a value pricing program and exclusive or preferential lane facilities for public transit. Existing law requires the commission to review these applications and submit an eligible application to the Legislature for approval or rejection. Existing law requires approval to be achieved by enactment of a statute. Existing law prohibits approval of an application on or after January 1, 2012.

This bill would authorize a value pricing and transit program involving HOT lanes to be developed and operated on State Highway Route 15 in Riverside County by the Riverside County Transportation Commission. The bill would require the Riverside County

Transportation Commission and the Department of Transportation to implement the program pursuant to a cooperative agreement that addresses specified matters in connection with the program and to establish appropriate traffic flow guidelines, as specified. *The bill would authorize the Riverside County Transportation Commission to impose tolls and issue revenue bonds for the HOT lane project, as specified. The bill would state that the commission is not entitled to compensation for the adverse effects on toll revenues due to construction of competing facilities by the department or local agencies.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The Riverside County Transportation Commission (RCTC)  
4 has submitted an application to the California Transportation  
5 Commission (CTC) to develop a high-occupancy toll (HOT) lane,  
6 including a value pricing program, pursuant to Section 149.7 of  
7 the Streets and Highways Code, in the State Highway Route 15  
8 (I-15) corridor in Riverside County.

9 (b) The proposal submitted by RCTC was based on an extensive  
10 quantitative analysis of the potential for successful implementation  
11 of HOT lanes on I-15.

12 (c) Pursuant to Section 149.7 of the Streets and Highways Code,  
13 the CTC has reviewed the application under guidelines it  
14 promulgated.

15 (d) The CTC has conducted two public hearings in accordance  
16 with Section 149.7 of the Streets and Highways Code.

17 (e) The CTC has determined that the application submitted by  
18 RCTC is eligible and, accordingly, has submitted the application  
19 and pertinent public comments obtained at the public hearings on  
20 this matter to the Legislature for approval.

21 ~~SEC. 2. (a) Pursuant to Section 149.7 of the Streets and~~  
22 ~~Highways Code, the Legislature hereby authorizes a value pricing~~  
23 ~~and transit program involving high-occupancy toll (HOT) lanes~~  
24 ~~to be developed and operated on State Highway Route 15 in~~  
25 ~~Riverside County by the Riverside County Transportation~~  
26 ~~Commission, as one of the two toll lane projects in southern~~

1 California authorized by subdivision (c) of Section 149.7 of the  
2 Streets and Highways Code.

3 ~~(b) The Riverside County Transportation Commission shall~~  
4 ~~carry out the program in cooperation with the Department of~~  
5 ~~Transportation pursuant to a cooperative agreement that addresses~~  
6 ~~all matters related to design, construction, maintenance, and~~  
7 ~~operation of state highway system facilities in connection with the~~  
8 ~~value pricing and transit program. With the assistance of the~~  
9 ~~department, the commission shall establish appropriate traffic flow~~  
10 ~~guidelines for the purpose of ensuring optimal use of the express~~  
11 ~~lanes by high-occupancy vehicles without adversely affecting other~~  
12 ~~traffic on the state highway system.~~

13 SEC. 2. Section 149.8 is added to the Streets and Highways  
14 Code, to read:

15 149.8. (a) Pursuant to Section 149.7, the Legislature hereby  
16 authorizes a value pricing and transit program involving  
17 high-occupancy toll (HOT) lanes to be developed and operated  
18 on State Highway Route 15 in Riverside County by the Riverside  
19 County Transportation Commission, as one of two toll lane projects  
20 in southern California authorized by subdivision (c) of Section  
21 149.7.

22 (b) The Riverside County Transportation Commission shall  
23 carry out the program in cooperation with the department pursuant  
24 to a cooperative agreement that addresses all matters related to  
25 design, construction, maintenance, and operation of state highway  
26 program facilities in connection with the value pricing and transit  
27 program. With the assistance of the department, the Riverside  
28 County Transportation Commission shall establish appropriate  
29 traffic flow guidelines for the purpose of ensuring optimal use of  
30 the express lanes by high-occupancy vehicles without adversely  
31 affecting other traffic on the state highway system. The commission  
32 shall operate the HOT lane facilities in a manner consistent with  
33 the minimum level of service standards established in subdivision  
34 (b) of Sections 149.4, 149.5, and 149.6.

35 (c) (1) Pursuant to Section 149.7, the Riverside County  
36 Transportation Commission shall have the authority to set, levy,  
37 and collect tolls, user fees, or other similar charges payable for  
38 the use of the State Highway Route 15 HOT lanes, and any other  
39 incidental or related fees or charges, in amounts as required for

1 *the following expenditures relative to State Highway Route 15 and*  
2 *for purposes of paragraph (2):*

3 *(A) Capital outlay, including the costs of design, construction,*  
4 *right-of-way acquisition, and utility adjustment.*

5 *(B) Operations and maintenance, including, but not limited to,*  
6 *toll collection and enforcement.*

7 *(C) Repair and rehabilitation.*

8 *(D) Indebtedness incurred, including related financing costs.*

9 *(E) Reserves.*

10 *(F) Administration, which shall not exceed 3 percent of toll and*  
11 *associated facility revenues.*

12 *(2) Excess toll revenues beyond the expenditure needs of*  
13 *paragraph (1) may be expended for the following purposes:*

14 *(A) To make operational improvements to the nontolled general*  
15 *purpose facilities on State Highway Route 15.*

16 *(B) To expand transit service or make other transportation*  
17 *improvements that provide an alternative to driving on State*  
18 *Highway Route 15.*

19 *(C) To increase capacity on State Highway Route 15.*

20 *(3) The Riverside County Transportation Commission is*  
21 *authorized to issue bonds to finance the costs of the HOT lane*  
22 *facilities on State Highway Route 15, including the costs of issuing*  
23 *the bonds and paying credit enhancement and other fees related*  
24 *to the bonds, which bonds are payable from the tolls authorized*  
25 *in paragraph (1), and any other sources of revenue available to*  
26 *the Riverside County Transportation Commission that may be used*  
27 *for these purposes, including, but not limited to, sales tax revenue,*  
28 *development impact fees, or state and federal grant funds. The*  
29 *bonds may be sold pursuant to the terms and conditions set forth*  
30 *in a resolution adopted by the governing board of the Riverside*  
31 *County Transportation Commission. Bonds shall be issued*  
32 *pursuant to a resolution adopted by a two-thirds vote of the*  
33 *governing board. Any bond issued pursuant to this paragraph*  
34 *shall not constitute a debt or liability of the state and shall contain*  
35 *on its face a statement to the following effect:*

36  
37 *“Neither the full faith and credit nor the taxing power of the*  
38 *State of California is pledged to the payment of principal or interest*  
39 *of this bond.”*  
40

1     (4) *The Riverside County Transportation Commission shall*  
2 *make available for public review and comment the proposed toll*  
3 *schedule, or any changes to the schedule, a minimum of 30 days*  
4 *prior to its adoption by the Riverside County Transportation*  
5 *Commission.*

6     (d) *The Riverside County Transportation Commission, in*  
7 *consultation with the department, shall issue a plan of*  
8 *transportation improvements for the State Highway Route 15*  
9 *corridor, which shall include projected costs, the use of toll*  
10 *revenues, and a proposed completion schedule. This plan shall be*  
11 *updated annually. The plan and each annual update shall be made*  
12 *available for public review and comment no less than 30 days*  
13 *prior to its adoption by the Riverside County Transportation*  
14 *Commission.*

15     (e) *This section shall not prevent the department or any local*  
16 *agency from constructing facilities within the State Highway Route*  
17 *15 corridor that compete with the HOT lane transportation project,*  
18 *and in no event shall the Riverside County Transportation*  
19 *Commission be entitled to compensation for the adverse effects*  
20 *on toll revenue due to those facilities.*

21     (f) *If any provision of this section or the application thereof is*  
22 *held invalid, that invalidity shall not affect other provisions or*  
23 *applications of this section that can be given effect without the*  
24 *invalid provision or application, and to this extent the provisions*  
25 *of this section are severable.*